

Exhibit F

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MELODY JOY CANTU and DR.)
RODRIGO CANTU ,)
)
Plaintiffs,)
) CIVIL ACTION
VS.)
) NO.: 5:20-CV-00746-JKP
DR. SANDRA GUERRA and) (HJB)
DIGITAL FORENSICS)
CORPORATION, LLC,)
)
Defendants.)

ORAL AND VIDEOTAPED DEPOSITION OF

DR. RODRIGO CANTU

(VIA ZOOM)

JULY 16, 2022

ORAL AND VIDEOTAPED DEPOSITION OF DR. RODRIGO CANTU,
produced as a witness at the instance of the DEFENDANT,
and duly sworn, was taken in the above-styled and
numbered cause on July 16, 2022 from 2:24 o'clock p.m.
to 5:40 o'clock p.m., Via Zoom, before
DEBBIE S. LONGORIA, CSR in and for the State of Texas,
reported by machine shorthand, pursuant to the Federal
Rules of Civil Procedure.

A P P E A R A N C E S

FOR THE PLAINTIFFS:

TOR EKELAND (Via Zoom)
TOR EKELAND LAW, PLLC
30 WALL STREET, 8TH FLOOR
NEW YORK, NEW YORK 10005
(718) 737-7264
tor@torekeland.com

FOR THE DEFENDANTS DR. SANDRA GUERRA and DIGITAL
FORENSICS CORPORATION, LLC:

BRANDY C. PEERY (Via Zoom)
RICARDO G. CEDILLO (Via Zoom)
DAVIS, CEDILLO & MENDOZA, INC.
755 E. MULBERRY, SUITE 500
SAN ANTONIO, TEXAS 78212
(210) 822-6666
bpeery@lawdcm.com
rcedillo@lawdcm.com

ALSO PRESENT:

KYLE LABYER, Videographer (Via Zoom)
MELODY JOY CANTU (Via Zoom)
NICOLE GUITELMAN (Via Zoom)
KATHLEEN N. FOLKS (Via Zoom)
DR. SANDRA GUERRA (Via Zoom)

1 that?

2 A. The brand name is Valtrex.

3 Q. Okay. Dr. Cantu, do you recall the deposition
4 testimony Melody gave regarding the incident at the Pei
04:05 5 Wei on April 1st, 2018?

6 A. Yes.

7 Q. And do you agree with all of her testimony
8 regarding the events of that day?

9 MR. EKELAND: Objection. You can answer.

04:05 10 THE WITNESS: Yes.

11 Q. (By Ms. Peery) Okay. Why don't you -- if
12 you -- if you would, please, tell the jury what happened
13 on April 1st, 2018 at the Pei Wei.

14 MR. EKELAND: Objection. You can answer.

04:06 15 THE WITNESS: I was having dinner with my
16 daughters. We were outside on the patio. After we had
17 ordered, we sat down and we were waiting for our food
18 and Sandra came to the restaurant. She saw us and came
19 over and she said she was ordering food to go, and
04:06 20 that's why she was there. My daughters invited her to
21 stay and eat with us, which I agreed to. She went and
22 ordered and came and sat with us and we had our meal.

23 During the meal, I guess toward the end
24 of the meal, Melody called me and she was -- she had
04:06 25 come to the restaurant, as well, and wanted to be able

1 to talk to my daughters and tell them that we had been
2 in a relationship for the last two years after our
3 divorce. So, I agreed to clear the air and, you know,
4 for it to not be a secret anymore. I think we were all
04:07 5 tired of living in that way.

6 So, I said she could come and speak to
7 them. And as we were leaving, Melody was walking up to
8 the restaurant, and so we were on the sidewalk just
9 outside the restaurant and she came up and said "Hi,"
04:07 10 and she said, "Happy Easter." And my girls and Sandra
11 responded back "Happy Easter."

12 And then Joy started to tell them that we
13 had been in a secret relationship since the end of our
14 divorce. And she started to tell them it was in secret
04:08 15 because I was afraid that my girls would not want to
16 spend time with me and that Sandra would withhold the
17 girls from me.

18 And that's when Sandra started to walk
19 off toward her car and she said, "I don't like being
04:08 20 ambushed" and kept walking. And that's when it was
21 obvious that she was very upset and I think my daughters
22 were getting upset, as well, because Sandra ran off.
23 And so, I told them to go with their mother so I could
24 talk to Joy. So, they -- they went off with their
04:08 25 mother. I think I put Maya -- or opened the door for

1 Maya to get into the car with her mother.

2 Then I went over to my car and Joy and I
3 started -- started talking when Sandra was starting to
4 leave and she lunged her car forward, then backed up and
04:09 5 then went forward again and then finally -- finally
6 left. By this point, I -- you know, I saw how everybody
7 reacted and so I was upset, as well, and so I told Joy I
8 didn't want to talk to her. So, I got in my car and
9 left and left her there in the parking lot.

04:09 10 Q. (By Ms. Peery) Okay. But, you -- you did not
11 tell Dr. Guerra or your daughters that Melody -- that
12 you told Melody to come meet you at the restaurant, did
13 you?

14 MR. EKELAND: Objection.

04:09 15 THE WITNESS: I did not -- oh, sorry. I
16 did not tell them --

17 Q. (By Ms. Peery) Why?

18 A. -- that she was coming.

19 I was afraid of how they were going to
04:10 20 react to me telling them that Joy wanted to talk to
21 them.

22 Q. Why were you afraid?

23 MR. EKELAND: Objection.

24 THE WITNESS: I'd been afraid for two
04:10 25 years of how they were going to react. I've been afraid

1 of Sandra withholding my children. I've been afraid of
2 my daughters not wanting to spend time with me. I've
3 been afraid of my parents not wanting to visit me or
4 have a relationship with me. This was my fear for the
04:10 5 two years. That's why I got divorced and that's why I
6 went two years without telling them about it.

7 Q. (By Ms. Peery) You knew the girls would be
8 upset if you were with Melody again; is that your
9 testimony?

04:11 10 MR. EKELAND: Objection.

11 THE WITNESS: I feared that they would be
12 upset.

13 Q. (By Ms. Peery) What caused you to fear that
14 they would be upset, was it something they had told you
04:11 15 before?

16 MR. EKELAND: Objection. You can answer.

17 THE WITNESS: It's -- it's what Sandra
18 told me in text messages, it's what my mother told me,
19 and at this time, my father did speak and say he wasn't
04:11 20 going to come visit me either. So, that's what drove my
21 fear. My daughters, honestly, I don't think I ever had
22 a really deep conversation with them about it. And I --
23 I think just was afraid of how they would react or
24 didn't know exactly how to approach them with the
04:11 25 subject.

1 Q. (By Ms. Peery) Okay.

2 A. And that's -- that's what happened for two
3 years, I didn't know how to bring it up with them or to
4 tell anybody.

04:12 5 Q. And you were afraid of your -- what your
6 daughters' reactions might be, so you thought the better
7 course was to have Melody show up unexpected and for
8 Melody to tell them?

9 MR. EKELAND: Objection. You can answer.

04:12 10 THE WITNESS: I thought it would be best
11 if we would both tell them. I thought if I told them
12 ahead of time that they may just leave and not give the
13 opportunity.

14 Q. (By Ms. Peery) So, you didn't tell them ahead
04:12 15 of time because you wanted to make sure they didn't
16 leave?

17 MR. EKELAND: Objection. You can answer.

18 THE WITNESS: Yes, I wanted -- I wanted
19 to be able to have the discussion.

04:12 20 Q. (By Ms. Peery) But you didn't have the
21 discussion, Melody did --

22 MR. EKELAND: Objection.

23 Q. -- isn't that right?

24 MR. EKELAND: Objection.

04:13 25 THE WITNESS: I didn't -- we didn't get

1 that far. Melody started to talk and Sandra ran off.

2 Q. (By Ms. Peery) Were you upset with Melody?

3 MR. EKELAND: Objection. You can answer.

4 THE WITNESS: I think I was after I saw

04:13 5 the reaction from Sandra and my kids.

6 Q. (By Ms. Peery) Why were you upset with Melody?

7 A. Because what I was afraid of happening was
8 starting to happen and I was taking it out on her.

9 Q. How were you taking it out on her?

04:13 10 MR. EKELAND: Objection. You can answer.

11 THE WITNESS: By being angry with her.

12 Q. (By Ms. Peery) Did you yell at her?

13 MR. EKELAND: Objection.

14 THE WITNESS: No, I just said I didn't

04:13 15 want to talk and got in my car and left.

16 Q. (By Ms. Peery) When Melody showed up in the
17 parking lot at the Pei Wei, what was her demeanor like?

18 A. She was calm, she was, I think, trying to be
19 cordial. I think she was smiling. She was in a -- her

04:14 20 demeanor was good.

21 Q. She was in a good mood?

22 MR. EKELAND: Objection. You can answer.

23 THE WITNESS: I would say yes.

24 Q. (By Ms. Peery) Had she been in a good mood all

04:14 25 day?

1 MR. EKELAND: Objection. You can answer.

2 THE WITNESS: I don't know if she'd been
3 in a good mood all day.

4 Q. (By Ms. Peery) Had you spoken to her prior to
04:14 5 the call you received at Pei Wei before she arrived?

6 A. We spoke about her daughter. Her daughter was
7 developing a rash and she was concerned about it, and so
8 we spoke about it, and she was worried about that. So,
9 I guess earlier in the day she was frightened or scared
04:15 10 or anxious.

11 Q. And I'm -- I apologize, I didn't hear. She
12 was -- she was frightened about a rash?

13 A. Her daughter was ill. She was worried about
14 her daughter's illness.

04:15 15 Q. Okay. What was -- what was her daughter's
16 illness?

17 A. Hepatic failure.

18 Q. Was she in the hospital?

19 A. Not at the time that we spoke.

04:15 20 Q. Okay. Where was her daughter?

21 A. With her at home.

22 Q. Was she taking her to get treatment?

23 A. She was going to.

24 Q. What happened after you left Melody in the
04:15 25 parking lot at the Pei Wei?

1 A. I drove away and called Sandra. I believe she
2 answered and told me not to call and hung up.

3 Q. Why did you call Sandra?

4 MR. EKELAND: Objection.

04:16 5 THE WITNESS: To -- I called to try to
6 talk to the girls and talk to them about what had just
7 transpired.

8 Q. (By Ms. Peery) Did the girls have cell phones
9 at that time?

04:16 10 A. Yes.

11 Q. Did you try to call their cell phones?

12 A. Yes.

13 Q. And they weren't answering?

14 A. Correct.

04:16 15 Q. After the girls didn't answer, then you called
16 Dr. Guerra?

17 MR. EKELAND: Objection.

18 THE WITNESS: I don't remember the
19 sequence.

04:16 20 Q. (By Ms. Peery) How many times did Melody call
21 you between when you left during the parking lot at the
22 Pei Wei and the end of the next day, April 2nd, 2018?

23 A. I don't know the exact number.

24 Q. How about an estimation of the number of times
04:17 25 she called you between the time period when you left her

1 in the parking lot at the Pei Wei and the end of the
2 next day, April 2nd, 2018?

3 MR. EKELAND: Objection.

4 THE WITNESS: It was probably more than
04:17 5 five.

6 Q. (By Ms. Peery) More than five. More than ten?

7 MR. EKELAND: Objection.

8 THE WITNESS: It might have been more
9 than ten.

04:17 10 Q. (By Ms. Peery) More than 20?

11 MR. EKELAND: Objection.

12 THE WITNESS: I don't know the exact
13 number.

14 Q. (By Ms. Peery) I'm not asking you for an exact
04:17 15 number, I'm asking you if it was more than 20.

16 MR. EKELAND: Objection.

17 THE WITNESS: I don't know.

18 Q. (By Ms. Peery) Did you speak to her each time
19 she called you?

04:18 20 A. No.

21 Q. Why not?

22 A. I didn't want to talk to her.

23 Q. Was she sending you text messages?

24 A. Yes.

04:18 25 Q. Did she call your mother?

1 A. I don't know.

2 Q. Did she call your father?

3 A. I don't know.

4 MR. EKELAND: Objection.

04:18 5 Q. (By Ms. Peery) Did you call your mother after
6 you left the Pei Wei?

7 A. Yes.

8 Q. Okay. Why?

9 A. I wanted to tell them what had happened and I
04:18 10 believe they had already heard from Sandra. And so, I
11 told them that I was trying to get ahold of my daughters
12 to talk to them, they weren't answering, and Sandra had
13 told me not to -- not to call anymore.

14 Q. Did your parents come to stay with you?

04:19 15 A. They did.

16 Q. Why?

17 A. They wanted to.

18 Q. Were they living in Edinburg at the time?

19 A. Yes.

04:19 20 Q. So, you -- you called them after you left the
21 Pei Wei and then they decided to come up from Edinburg
22 to stay with you?

23 MR. EKELAND: Objection. You can answer.

24 THE WITNESS: That's right.

04:19 25 Q. (By Ms. Peery) Did they make it there that

1 night?

2 A. Yes.

3 Q. This is both your mother and your father?

4 A. Correct.

04:19 5 Q. And did you ask them to come?

6 A. No.

7 Q. Did you tell them -- did you tell them that
8 you were in fear for your safety?

9 A. No.

04:19 10 Q. How long did they stay with you?

11 A. Maybe a couple of days. And then my mom went
12 back and my dad come back by himself.

13 Q. Did you ask your parents to bring a gun with
14 them?

04:20 15 A. No.

16 Q. Did they bring a gun with them?

17 A. I believe so. My dad owns a gun and takes it
18 everywhere.

19 Q. What did you tell your parents happened at the

04:20 20 Pei Wei?

21 A. I told them what I told you.

22 Q. Told them exactly what you just testified
23 under oath, that's exactly what you told them?

24 A. Not verbatim, but I told them the same things
04:20 25 I told you. There's nothing different what I said.

1 Q. Okay. What happened at -- you left Melody in
2 the parking lot. Did you go home?

3 A. Yes.

4 Q. Okay. Was that Heather Stone?

04:21 5 A. Heather Ridge, yeah.

6 Q. Heather Ridge, pardon me. What did you do
7 when you got home?

8 A. I went inside and I think I took off my church
9 clothes. I think my parents were calling me wanting to
04:21 10 come up here. I kept trying to tell them not to come,
11 they were insistent. A few minutes later, Sandra came
12 to my house with her father and she came to get Sofia's
13 and Maya's backpacks and things that were at my house
14 and to collect Sofia's car, which was also at my house.
04:22 15 She asked me if I was going to stay at the house and I
16 said yes. She said, "I don't think you -- I don't think
17 you should." She said she wasn't going to stay at her
18 home and she asked me if I still had a gun, and she said
19 yes, and she said, "I think you should take it with you
04:22 20 wherever you stay."

21 Q. Did you stay at the house?

22 A. No.

23 Q. You left the house after that?

24 A. I did.

04:22 25 Q. Where did you stay?

1 A. I --

2 Q. Or where did you go after that?

3 A. Well, I -- you know, you alluded my parents
4 were taking a long drive from Edinburg to San Antonio,
04:22 5 so I got a hotel on the south-end of town so they
6 wouldn't have to drive all the way through town to my
7 house, so their drive would be about an hour shorter. I
8 was working on that end of town already so it would be
9 very close to my work the next morning. And since I was
04:23 10 going to wait for my parents to arrive, I thought it was
11 the most convenient way to be able to get some rest and
12 accommodate my parents.

13 Q. Did you take your gun with you?

14 A. I did.

04:23 15 Q. Why?

16 A. Because Sandra told me to.

17 Q. Your testimony is that the only reason you
18 took the gun with you was because your ex-wife told you
19 to?

04:23 20 A. That's what I said.

21 Q. You filed a police report against Melody
22 Cantu, didn't you?

23 A. Yes, ma'am.

24 Q. Okay.

04:23 25 MS. PEERY: Kyle, can you please bring up

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FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

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RODRIGO CANTU,)
)
Plaintiffs,)
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) NO.: 5:20-CV-00746-JKP
) (HJB)
DR. SANDRA GUERRA and)
DIGITAL FORENSICS)
CORPORATION, LLC,)
)
Defendants.)

REPORTER'S CERTIFICATION

DEPOSITION OF DR. RODRIGO CANTU

JULY 16, 2022

I, Debbie S. Longoria, Certified Shorthand Reporter
in and for the State of Texas, hereby certify to the
following:

That the witness, DR. RODRIGO CANTU, was duly sworn
by the officer and that the transcript of the oral
deposition is a true record of the testimony given by
the witness;

I further certify that pursuant to FRCP Rule 30(f)
(1) that the signature of the deponent:

_____ was requested by the deponent or a party before
the completion of the deposition and returned within 30

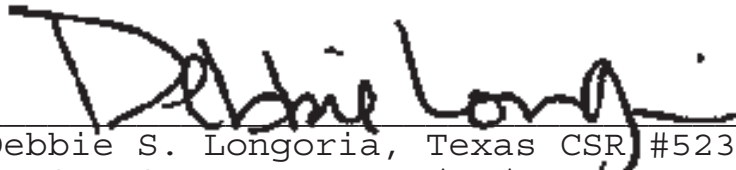
1 days from date of receipt of the transcript. If
2 returned, the attached Changes and Signature Page
3 contains any changes and the reasons therefor;

4 X was not requested by the deponent or a party
5 before the completion of the deposition.

6 I further certify that I am neither attorney nor
7 counsel for, related to, nor employed by any of the
8 parties to the action in which this testimony was taken.

9 Further, I am not a relative or employee of any
10 attorney of record in this cause, nor do I have a
11 financial interest in the action.

12 Subscribed and sworn to on this the 28th day
13 of July, 2022.

14
15
16 
17 Debbie S. Longoria, Texas CSR #5232
18 Expiration Date: 10/31/23
19 Lexitas - Firm Registration No. 539
20 100 N.E. Loop 410, Suite 955
21 San Antonio, Texas 78216
22 (210) 481-7575
23
24
25